

February 9, 1984

LB 183

think it would have a bearing on that type of case. I move that we enforce the kill motion by the number of votes necessary. Thank you.

SPEAKER NICHOL: Senator Pirsch, would you like to close?

SENATOR PIRSCH: Thank you. This will be a short closing. Then I think we need a Call of the House, Mr. Speaker.

SPEAKER NICHOL: They've agreed to come back for the vote, Senator Pirsch. So go ahead and close.

SENATOR PIRSCH: Okay. Senator Hefner will be closing also. We talked about the rights of the defendant. I have defended them on many occasions. They must not be compromised, or on the other hand may the rights of the innocent individuals in the community be jeopardized. We must guarantee fairness to the defendant in our consideration of the insanity issue. But, at the same time, provide the members of society, that look to us for their safety, those rights which a power mightier than the Constitution has commanded for an orderly society. In an article in the World Herald in 1979 it noted that the insanity defense is successful in 90 percent of those cases in Nebraska in which it was at issue. Yet persons who have had first hand experience with those defendants disagree over whether or not they were impaired to the extent that the law requires to be exonerated. One might ask the question do sane people commit crimes, and eventually conclude that the more heinous the offense the more insane an individual was to have committed it. But what degree of insanity is enough to exculpate an individual to allow that person to legally get away with murder? I fought very hard when there were others who would abolish the insanity defense. We need it. But we also need to relieve the confusion of the law the way it is now when that evidence is presented and the weight of that evidence is weighed. It is an impossible burden to be sane beyond a reasonable doubt. I urge you to override the Governor's veto of LB 183. I believe Senator Hefner would like to add.

SPEAKER NICHOL: Senator Hefner.